

UNITED STATES DISTRICT COURT

EASTERN District of PENNSYLVANIA

UNITED STATES OF AMERICA

v.

YOLANDA GARBRICK

JUDGMENT IN A CRIMINAL CASE

Case Number: DPAE2:12CR000469-001

USM Number: 68552-066

Felicia Sarner, Esq.

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1-5 and 6-10☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18.1341	Mail Fraud	9/1/2011	1-5
18.513	Uttering Counterfeited Securities	9/1/2011	6-10

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)☐ Count(s) is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/30/2014

Date of Imposition of Judgment

/s/ Legrome D. Davis

Signature of Judge

Legrome D. Davis, J.

Name and Title of Judge

1/31/2014

Date

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

The defendant is sentenced to 41 months imprisonment on counts 1 through 10 to be served concurrent to each other. The total term of imprisonment is 41 months

☒ The court makes the following recommendations to the Bureau of Prisons:
The Bureau of Prisons is to provide the defendant with medical treatment. The defendant is to receive mental health treatment.

☐ The defendant is remanded to the custody of the United States Marshal.

☒ The defendant shall surrender to the United States Marshal for this district:

☒ at 02:00 ☐ a.m. ☒ p.m. on 3/17/2014

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

The defendant is sentenced to 3 years supervised release on counts 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 to be served concurrent to each other.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 3C — Supervised Release

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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall receive any mental health treatment deemed appropriate by the U.S. Probation Department. She is to receive necessary medical treatment, while on supervised release. The defendant is to provide the U.S. Probation Department with yearly tax reports and monthly financial statements. She is not permitted to open any lines of credit or credit cards while on supervised release without the advance permission of the U.S. Probation Department.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,000.00	\$	\$ 36,450.14

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See pages 6 - 9			

TOTALS	\$	36,450.14	\$	36,450.14	100
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☒ Restitution amount ordered pursuant to plea agreement \$ 36,450.14

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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NAME	ADDRESS	RESTITUTION
A & P, Superfresh/Pathmark	C/O A & P Corporate Offices ATTN: Carrie Roberts 2 Paragon Drive Montvale, NJ 07645`	\$11,500.16
Acme Markets	Attn: Loss Prevention 75 Valley Stream Parkway Malvern, PA 19355	\$1,670.26
Avenue	ATTN: Finance Dept, Avenue Stores, LLC West Passaic St., Suite 230 Rochelle Park, NJ 07662	\$83.67
Barnes & Noble	Attn: Linda Suppa Loss Prevention 1400 Old country Road Westbury, NY 11590	\$3,367.74
Bon-Ton	Attn: Loss Prevention 456 N. Main St. Doylestown, PA 18901	\$58.30
Bottom Dollar Foods	C/O TeleCheck Attn: Denise Hostler 5251 Westheimer Road Houston, TX 77056	\$502.06
CVS Pharmacies	Attn: Loss Prevention 3811 Neshaminy Blvd. Bensalem, PA 19020	\$3,032.07
Disney Movie Club	Attn: Loss Prevention PO Box 738 Neenah, WI 54957-0738	\$61.85
Dollar General #8403	Attn: Loss Prevention 120-194 North Pine Street Langhorne, PA 19047-2141	\$43.35
Giant Food Stores	Attn: Loss Prevention 1149 Harrisburg Pike Carlisle, PA 17013	\$2,820.74
Gordon Jewelers	Attn: Loss Prevention 121 Neshaminy Blvd. Bensalem, PA 19020	\$105.98
Hair Cuttery	Attn: Loss Prevention Ratner Companies 1577 Springhill Road, Suite 500 Vienna, VA 22182	\$410.77
HH Gregg	Attn: Willie Gatling 41301 Mattaoman Drive Brandywine, MD 20613	\$458.94

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Home Depot	Attn: Accounting Dept 2455 Paces Ferry Road Atlanta, GA 30339	\$66.17
Jo-Ann Fabrics	Attn: Loss Prevention 5555 Darrow Road Hudson, OH 44326	\$600.49
K & G Men's Company	Attn: Loss Prevention 1225 Chattahoochee Ave NW Atlanta, GA 30318	\$26.99
Kiwi Fox	Attn: Loss Prevention 1348 Washington Ave, #299 Miami Beach, FL 33139	\$73.90
Kmart	Attn: Loss Prevention P.O. Box 2230 Omaha, NE 68103-2230	\$252.35
Kohl's	Fraud Department Attn: Kristie P.O. Box 3004 Milwaukee, WI 53201	\$4,835.12
Lenox, Inc.	Attn: Loss Prevention 1414 Radcliffe Street Bristol, PA 19007	\$423.10
Michael's	Attn: Loss Prevention 9739 E. Roosevelt Blvd. Philadelphia, PA 19114	\$80.73
Modell's Sporting Goods	Attn: Loss Prevention 498 7 th Avenue, 20 th Floor New York, NY 10018	\$41.99
National Magazine Exchange	Attn: Loss Prevention P.O. Box 9083 Clearwater, FL 33758	\$67.08
Niemann Marcus	Attn: Chris Sarabee 170 N. Gulph Road King of Prussia, PA 19406	\$93.96
Office Max	Attn: Loss Prevention 263 Shulman Blvd. Naperville, Illinois, 60563-7708	\$154.08
Petco	Attn: Loss Prevention 9125 Rehco Road San Diego, CA 92121	\$12.71
QVC	Attn: Loss Prevention 1200 Wilson Drive West Chester, PA 19380	\$292.50
Radio Shack	Attn: Loss Prevention 1254 West Chester Pike Havertown, PA 19083	\$22.22

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Rite-Aid Pharmacy	Attn: Loss Prevention 30 Hunter Lane Camp Hill, PA 17011	\$38.72
Ross Retail Store	Attn: Loss Prevention 4440 Rosewood Drive Pleasanton, CA 94588	\$146.35
Sally's Beauty Supply	Attn: Loss Prevention 3001 Colorado Blvd. Denton, TX 76210	\$129.36
Sears Retail Store	Attn: Loss Prevention 3333 Beverly Road ALL-369A Hoffman Estates, Illinois, 60179	\$451.45
Staples	Attn: Loss Prevention 500 Staples Drive Framingham, MA 01702	\$144.98
Target	Attn: Loss Prevention TCW 2A-B P.O. Box 9350 Minneapolis, MN 55440	\$410.45
TD Bank	Attn: Corporate Security 9000 Atrium Way Mt. Laurel, NJ 08054	\$300.00
TJ Maxx	Attn: Loss Prevention 770 Cochituate Road Framingham, MA 01701	\$61.73
Toys R Us	Attn: Loss Prevention One Geoffrey Way Wayne, NJ 07470	\$28.06
Ulta Beauty	Attn: Loss Prevention 1000 Remington Boulevard Suite 120 Bolingbrook, Illinois 60440	\$146.26
Wegmans Market	Attn: Loss Prevention 1500 Brooks Avenue Rochester, NY 14603	\$696.48
Weis Market	Attn: Loss Prevention 1000 South 2 nd Street Sunbury, PA 17801-0471	\$1,055.73
Whole Foods Market	Attn: Loss Prevention 5515 Security Lane Rockville, MD 20852	\$850.42
Willits Road Pharmacy	Attn: Loss Prevention 3122 Willits Road Philadelphia, PA 19136	\$239.79

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Xpress Chex	Attn: Loss Prevention 215 Central NW, Third Floor Albuquerque, NM 87102-3363	\$434.08
Yves Rocker	Attn: Loss Prevention PO Box 1701 Champlain, NY 12919-1701	\$157.00
	TOTAL:	\$36,450.14

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 1,000.00 due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Payment in equal quarterly (e.g., weekly, monthly, quarterly) installments of \$ 25.00 over a period of years (e.g., months or years), to commence 90 days (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.